

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LINDELL SWINSON

CIVIL ACTION

v.

COMMONWEALTH OF PENNSYLVANIA,  
et al.

NO. 07-3934

**ORDER**

**AND NOW**, this 30th day of October, 2008, upon careful and independent consideration of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. No. 1), and after review of United States Magistrate Judge L. Felipe Restrepo's Report and Recommendation (Doc. No. 30), **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Restrepo is **APPROVED** and **ADOPTED**;
2. The Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 is **DENIED**;
3. Because Petitioner has failed to make a substantial showing of the denial of a constitutional right, we decline to issue a certificate of appealability under 28 U.S.C. § 2253(c)(2); and
4. The Clerk shall **CLOSE** this case statistically.

BY THE COURT:

  
John R. Padova, J.